

Federal Property Management Regulations

§ 101-49.001-5

101-49.205 Deposit of money and certain intangible gifts with the Department of the Treasury.

Subpart 101-49.3—Donation of Foreign Gifts and Decorations

- 101-49.300 Scope of subpart.
- 101-49.301 Donation of gifts and decorations.
- 101-49.302 Requests by public agencies and nonprofit tax-exempt activities.
- 101-49.303 Allocation.
- 101-49.304 Conditions of donation.
- 101-49.305 Costs incident to donation.
- 101-49.306 Withdrawal of donable gifts and decorations for Federal utilization.
- 101-49.307 Donation of gifts withdrawn from sale.

Subpart 101-49.4—Sale or Destruction of Foreign Gifts and Decorations

- 101-49.400 Scope of subpart.
- 101-49.401 Approval by the Secretary of State on sales.
- 101-49.402 Sale of gifts by GSA to interested recipients.
- 101-49.403 Sale of gifts by GSA to the public.
- 101-49.404 Proceeds from sales.
- 101-49.405 Destruction of gifts and decorations.

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); sec. 515, 91 Stat. 862 (5 U.S.C. 7342).

SOURCE: 44 FR 53750, Sept. 17, 1979, unless otherwise noted.

§ 101-49.000 Scope of part.

This part prescribes policies and procedures governing the utilization, donation, and disposal of gifts and decorations from foreign governments in accordance with 5 U.S.C. 7342.

§ 101-49.001 Definitions.

For the purposes of this part 101-49, the following terms shall have the meanings set forth in this section.

§ 101-49.001-1 Employee.

Employee means:

- (a) An employee as defined by 5 U.S.C. 2105 and an officer or employee of the United States Postal Service or of the Postal Rate Commission;
- (b) An expert or consultant who is under contract under 5 U.S.C. 3109 with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under that section,

any individual involved in the performance of the services;

(c) An individual employed by or occupying an office or position in the government of a territory or possession of the United States or the government of the District of Columbia;

(d) A member of a uniformed service;

(e) The President and the Vice President;

(f) A Member of Congress as defined by 5 U.S.C. 2106 (except the Vice President) and any Delegate to the Congress; and

(g) The spouse of an individual described in paragraphs (a) through (f) of this section (unless this individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1954) of this individual, other than a spouse or dependent who is an employee under paragraphs (a) through (f) of this section.

§ 101-49.001-2 Foreign government.

Foreign government means:

(a) Any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

(b) Any international or multinational organization whose membership is composed of any unit of a foreign government described in paragraph (a) of this section; and

(c) Any agent or representative of any unit or organization while acting as such.

§ 101-49.001-3 Gift.

Gift means a tangible or intangible present (other than a decoration) tendered by or received from a foreign government.

§ 101-49.001-4 Decoration.

Decoration means an order, device, medal, badge, insignia, emblem, or award tendered by or received from a foreign government.

§ 101-49.001-5 Minimal value.

Minimal value means a retail value in the United States at the time of acceptance of \$260 or less, except that:

(a) On January 1, 1981, and at 3-year intervals thereafter, "minimal value"

§ 101-49.001-6

will be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

(b) Regulations of an employing agency may define “minimal value” for its employees to be less than the value provided under this section.

[44 FR 53750, Sept. 17, 1979, as amended at 55 FR 3953, Feb. 6, 1990; 58 FR 46089, Sept. 1, 1993; 61 FR 60034, Nov. 26, 1996; 64 FR 13701, Mar. 22, 1999]

§ 101-49.001-6 Employing agency.

Employing agency means:

(a) The Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in 5 U.S.C. 7342(c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

(b) The Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in 5 U.S.C. 7342(c)(2), (d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

(c) The Administrative Office of the United States Courts, for judges and judicial branch employees; and

(d) The department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

Subpart 101-49.1—General Provisions

§ 101-49.101 Custody of gifts and decorations.

(a) GSA normally will not take custody of gifts and decorations for which recipients have expressed an interest in purchasing. All such gifts and decorations shall remain in the physical custody and be the responsibility of the employing agency until recipients either purchase or decline to purchase. GSA will accept physical custody of gifts and decorations which recipients

41 CFR Ch. 101 (7-1-00 Edition)

decline to purchase and which are not retained for official use or returned to the donors.

(b) GSA will direct the disposition of gifts and decorations when reported to GSA by the employing agency by:

(1) Transfer to Federal agencies;

(2) Donation for public display or other approved purposes;

(3) Sale with the approval of the Secretary of State; or

(4) Destruction.

[44 FR 53750, Sept. 17, 1979, as amended at 50 FR 82, Jan. 2, 1985; 53 FR 12767, Apr. 19, 1988]

§ 101-49.102 Care and handling.

(a) Each employing agency shall be responsible for the security of gifts and decorations in its custody.

(b) Each employing agency shall be responsible for and bear the cost of care and handling of gifts and decorations in its custody and for delivery of the gifts and decorations to the physical custody of GSA.

[48 FR 12089, Mar. 23, 1983, as amended at 53 FR 12767, Apr. 19, 1988]

§ 101-49.103 Information on availability for Federal utilization or donation.

GSA will provide information on the availability of gifts and decorations, when reported to GSA, to Federal agencies and appropriate State agencies for surplus property.

§ 101-49.104 [Reserved]

§ 101-49.105 Appraisals.

When a recipient indicates an interest in purchasing a gift, the employing agency shall obtain a commercial appraisal before reporting the gift to GSA. The gift is to be reported to GSA on Standard Form (SF), Report of Excess Personal Property, for utilization screening prior to sale to the recipient. The commercial appraisal may be either attached to the SF 120, or completed and furnished separately to GSA after utilization screening is completed.

[53 FR 12767, Apr. 19, 1988]